

**ENTERED**

March 13, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

JAMES SCHORSCH JR,

Plaintiff,

VS.

PATTY ANDERSON, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:23-CV-00240

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**


Pending before the Court is Plaintiff James Schorsch, Jr.'s complaint (D.E. 1, 17) for initial screening under the Prison Litigation Reform Act. *See* 42 U.S.C. § 1997e(c); 28 U.S.C. §§1915(e)(2), 1915A. On January 9, 2024, United States Magistrate Judge Mitchel Neurock issued a Memorandum and Recommendation (M&R, D.E. 18), recommending that Plaintiff's complaint be dismissed, leave to amend be denied, and this action count as a strike. Plaintiff timely filed his objections (D.E. 19) on January 29, 2024.

Plaintiff's objections consist of what appears to be a stream of consciousness rendition of the plight of the disabled, the law regarding disability discrimination, complaints he did not previously include in this action, and a number of other subjects having little, if anything, to do with the claims as asserted and evaluated by the Magistrate Judge. Because such a presentation does not point out with particularity any error in the Magistrate Judge's analysis, it does not constitute a proper objection and will not be considered. Fed. R. Civ. P. 72(b)(2); *Malacara v. Garber*, 353 F.3d 393, 405 (5th Cir.

2003); *Edmond v. Collins*, 8 F.3d 290, 293 n.7 (5th Cir. 1993) (finding that right to de novo review is not invoked when a petitioner merely re-urges arguments contained in the original petition). Because this briefing is not sufficient to invoke review and does not address the basis for the Magistrate Judge's recommendation, the objections are **OVERRULED**.

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's Memorandum and Recommendation, as well as Plaintiff's objections, and all other relevant documents in the record, the Court **OVERRULES** Plaintiff's objections and **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, Plaintiff's causes of action are **DISMISSED** as frivolous or for failure to state a claim upon which relief may be granted, leave to amend is **DENIED**, this action is **DISMISSED WITH PREJUDICE**, and the Court issues a **STRIKE** against Plaintiff for purposes of 28 U.S.C. § 1915(g), and **INSTRUCTS** the Clerk of Court to send notice of this dismissal to the Manager of the Three Strikes List for the Southern District of Texas at [Three\\_Strikes@txs.uscourts.gov](mailto:Three_Strikes@txs.uscourts.gov).

**ORDERED** on March 13, 2024.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE